

*du Treil, Lundin & Rackley, Inc.*

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JUN 18 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 17, 1993

Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

Dear Ms. Searcy:

Enclosed are the original and four copies of  
Comments prepared in the matter of Review of the  
Commission's Rules Governing the Low Power Television  
Service in MM Docket No. 93-114.

Very truly yours,

*Louis N. du Treil*

JUN 18 1993

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Review of the Commission's  
Rules Governing the Low Power  
Television Service

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MM Docket No. 93-114  
RM-7772

Comments of du Treil, Lundin & Rackley, Inc.

du Treil, Lundin and Rackley, Inc. ("dLR") hereby submits the following comments in response to the Notice of Proposed Rulemaking (NPRM) in the above captioned proceeding.

dLR and its parent company, A.D. Ring, P.C. have provided engineering services to the broadcast industry for over half a century. We applaud the Commission's proposal to: (1) relax the Low Power TV (LPTV) and TV translator (TVT) application acceptance standards; (2) narrow the types of facility modifications that are considered "major"; and (3) provide for the assignment of four-letter call signs for enhanced viewer recognition. These comments will focus on issues (1) and (2) above.

Application Acceptance Standards

Just as with the strict "hard look" policy in FM broadcast applications, the time has come to provide a more lenient acceptance standard for LPTV/TVT applications. dLR has provided

technical expertise for hundreds of LPTV/TVT applicants since the inception of the service, from the first filing window through present day. Our experience indicates that the "speculators" are looking for other opportunities and those entities currently involved in filing applications are serious broadcasters. This is evident by the reduced number of applications being filed as noted by the Commission. The current LPTV service and the longstanding TVT service can now be considered mature.

Based on our experience in the LPTV/TVT industry, typical TVT applicants are generally either full-service TV stations modifying existing TVT stations or implementing new TVT stations, with the intended purpose of augmenting service to the public. The LPTV applicants are generally entrepreneurs intent on providing a "niche" service to the public. The current "hard look" standard adds a level of anxiety to these serious applicants which is not necessary. Since filing windows open only about once a year, there is a long waiting period for returned applications to be refiled. Continuance of this policy is obviously not in the public interest.

dLR supports the Commission's proposal to give applicants only one chance to amend a defective application during a 30-day period. Further, amendments should not be permitted for applications which fail to meet the interference acceptance

standards to an authorized TV, TVT or LPTV station, or a previously filed LPTV/TVT application. This will prevent ungrantable applications from slowing down the processing of other grantable applications. Also, amendments should be limited to the ultimate "minor" change criteria adopted in this proceeding.

dLR also supports the Commission's proposal to remove the current restrictions on acceptance of waiver requests based on terrain shielding. First, dLR commends the LPTV/TVT branch for its "real world" approach to TV propagation manifested by its current consideration of terrain shielding requests. However, dLR also believes there should be limitations. The acceptance standards should be defined clearly; for instance, if Technical Note 101 is used the methods should be described fully in the application. Also, any terrain shielding request should be included with the initial application; a terrain shielding request should not be permitted as part of an amendment to eliminate an interference condition to an existing station. This approach is consistent with the prohibition on amendments which eliminate an interference condition discussed above. Finally, dLR supports the Commission's proposal to allow permitting applicants to eliminate mutually exclusive situations with acceptable terrain shielding waiver requests.

Currently, LPTV/TVT applications must specify an appropriate frequency offset designation to provide the required protection to other co-channel stations. However, if other existing, authorized or proposed co-channel LPTV/TVT stations have no frequency offset, then it is not possible for an applicant to take advantage of the interference reduction possible between offset stations. Our experience indicates this limits, and in some cases precludes, new or expanded TV service.

Therefore, dLR proposes that applicants be permitted to request a change in the offset of another existing, authorized or proposed LPTV/TVT station. The result will be a reduction of interference, not only between the applicant and the station being offset, but also between the newly offset station and other stations to which it was not previously offset. The benefits are two-fold, spectrum efficiency and additional TV service to the public.

The cost of providing frequency offset should be borne by the proponent. This approach is similar to what is permitted by FM broadcast proponents seeking new stations or upgrades which require other stations to change frequency, and also to new TV allotment proposals which require frequency offset changes by existing stations. Discussions with several TV LPTV/TVT transmitter manufacturers indicate that the additional cost for

adding frequency offset to a new transmitter is approximately \$700-1500. Retrofitting an existing transmitter costs range from \$500-2500.

#### Modifications of Facilities

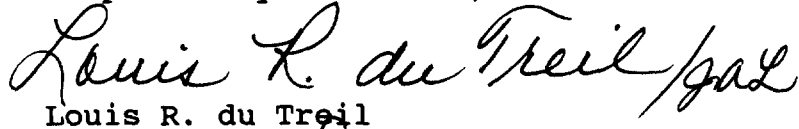
dLR supports the Commission's contention that the current definition of a "major" change is restrictive and should be narrowed. As noted above, dLR provides technical assistance to numerous clients who have licensed or authorized (CP) LPTV and TVT stations. Due to situations beyond control of the LPTV or TVT station, such as loss of the transmitter site or change in antenna system, a "major" change in facilities, as defined by the current Rules, is often required. However, such a change must await the next filing window. Again, this is a situation which is not in the public interest as it delays the implementation of TV service to the public.

change in channel (with the exception of channel displacements) or an application for a new station. Although the bounding concept provides some leeway for existing or authorized stations over the current method, it is still too restrictive and unnecessary considering the current volume of activity.

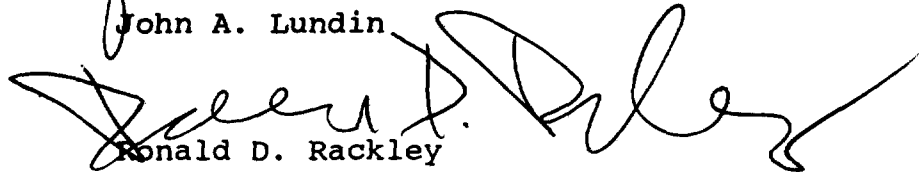
We believe a first-come, first-serve approach, such as in FM broadcast processing, is more reasonable for authorized and pending LPTV and TVT applications. New stations must wait for a Commission announced window (also similar to FM). On this basis, minor change applications in conflict with major change applications filed during a window period, could amend out or be set for lottery. By adopting dLR's modified approach, existing stations will be permitted the latitude necessary to make

facility changes, with the requirement that interference protection must be provided.

Respectfully submitted,

  
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June 16, 1993